

Remarks:

Interview Summary:

Applicant James W. Wieder had a phone Interview with examiner Daniel L. Greene on July 23, 2008 beginning at ~1PM. Prior to the Interview, the Applicant had faxed amended independent claims to the examiner. Much discussion was held on the faxed amended independent claim 101. Much discussion was also held on the “Conkwright” prior art.

The Examiner also mentioned two new items of prior art not in the application record: 5,848,396 (“Gerace”) and 2004/0254957A1 (“Hytyniemi”). These were also discussed. Applicant expects the examiner will officially cite this new art into the official record.

No agreement on the claims was reached during the Interview. The Applicant would like to thank the examiner for the helpful Interview discussion.

Prior Art Discussion:

Comments on “ConkWright”:

“Conkwright” does not determine a user's rating for an individual piece or composition. “Conkwright” does not determine a rating for a piece or composition using previous control actions by the user that affected the playback of that piece or composition. “Conkwright” does not select a piece or composition, based on the determined ratings for the individual pieces or compositions.

Comments on the Prior Human “Mental” Process:

The prior human “mental” process establishes a preference; before the user takes control action. For example, consider a user who doesn't like country music. The user may take control action in-order to avoid a country music composition (e.g., “pressing the forward button” to skip the rest of a currently playing country composition). But the user did not think: “I just pressed the forward button to skip the

rest of the currently playing composition ... that may mean I don't like that composition ... therefore I should lower my preference (rating) for that composition because I pressed that button”.

Therefore, the prior human “mental” process does not determine a preference (rating) for a piece or composition using previous control actions by the user that affected the playback of that piece or composition. Hence, the claims are not an automation of a prior human process.

Summary:

The applicant has written new simpler and clearer claims. The total number of claims and the number of independent claims have been increased.

The applicant believes all the claims are in condition for allowance. The applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the Applicant.

Respectfully submitted,

James W. Wieder 7-31-2008

James W. Wieder

4276 Hermitage Drive

Ellicott City, Maryland 21042

Phone: 410-461-9543

Registration Number: 58703

Customer Number: 30875